

Chattooga River Public Comments  
June 12, 2007 – July 2, 2007

"Doug and Eedee Adams" <edadams1@alltel.net>  
06/17/2007 09:57 PM

**Comments on the Integrated Report**  
By Doug Adams, a backcountry angler (6/17/2007)

**Pg 25 Opportunity "importance": I really do have a problem with comparing data from these 2 groups. I don't believe that the statement "a "wider net" was cast across the angler population, it may have included fewer avid Chattooga anglers." adequately explains the difference in the 2 groups. I'm concerned about the below:**

"Taken together, results led researchers to conclude that boaters' more frequent use may lead to stronger place bonds (Vagias, Powell, & Haynie, 2006), but we would qualify these findings. One problem is that the two groups were sampled differently (boaters via permits from known visits; anglers via a census of two local Trout Unlimited chapters); because a "wider net" was cast across the angler population, it may have included fewer avid Chattooga anglers. In addition, some of the involvement and place attachment variables were statistically but not substantively different (e.g., 4.39 vs. 4.61 on a five point "importance"). Finally, as noted above, boaters were rating the Lower Chattooga only (because they can't currently boat the Upper Chattooga), and it is unclear whether their assessments would apply to the upper river."

To begin with all the boaters were out floating (recreating) on the Chattooga, - - - for free (joining nothing). The TU members were all paying annual dues to join and be members of an organization that protects and enhances coldwater resources. The TU members have reached a point in their lives when they want to "give back" of their time, sweat, talent, and/or resources to protect water quality and the cold water fisheries.

> Every single member of the boating group (100%) was actually boating on the

Chattooga and had self- registered at a Chattooga boating put-in

> TU is a conservation organization, not a fishing club. These 2 TU Chapters are definitely not Chattooga fishing clubs. In 2000 Backlund was wrong in assuming all members of the Rabun and Chattooga River TU Chapters are Chattooga backcountry anglers. Because a person joins TU in the Rabun Chapter or Chattooga Chapter it does not mean that person fishes the Chattooga North Fork. In fact, it doesn't even mean they fish at all. And if they do fish the North Fork, it does not mean they are "backcountry" anglers. The survey did not even ask if we were backcountry anglers. For this Literature Review Report to say "14 percent of the TU members and 44 percent of the whitewater boaters reporting having no substitutes" (on Pg 21) is not a valid comparison and is quite misleading. Also, according to the 1987 GA DNR Roving Angler Survey, only 7% of the backcountry anglers interviewed were members of TU. That was the group of anglers Backlund should have surveyed. Rabun TU has several local members that never fish at all but are very supportive of our conservation and youth education work. Presently, only 48 % of the Rabun TU members are local

# # #

**My major issues addressed and not addresses by the Integrated Report**  
By Doug Adams, a backcountry angler (6/17/2007)

> **User Conflict:** Loss of backcountry solitude and angling interference during overlapping of users (anglers – boaters) between water levels of 1.8 and 2.8.

This issue was addressed on **Pg 19 Backcountry angling**, **Pg 62 Encounters between anglers and boaters**, **Pg 67** “There is little history of addressing fishing competition on public land, - -“ **Pg 67 Interference with angling**, **Pg 72 Social impact conclusions**, **Pg 85 Flow issue conclusions**, and **Pg 88 For other users**, particularly anglers interested in using “overlap flow ranges”.

> **The Growth of Whitewater Boating:** The growth rate of whitewater boating and what has happened on the lower river. In 1970, 200 floats/yr (the same as the 1999 AW estimated for above Hwy 28) and 20 years later it was 80,000 floats/yr and still growing.

This issue was mentioned but it was not addressed in **Future trends among existing and potential uses Pg 39 Whitewater boating**

> **Boater’s demand for “unlimited use” at any water level equals “unlimited growth”:** The continued lowering of the “Minimum Suggested Level” for boating from Burrell’s Ford to Highway 28. (Based on the USGS Gauge at US Highway 76)

This issue was slightly addressed on **Pg 88** “*Many of these users are concerned about boating use because of high boating use levels on the Lower Chattooga –*”

> **Less-Skilled Boaters** (including some anglers with float tubes, personal pontoons, and/or open cockpit kayaks) between Burrell’s Ford and Highway 28 at water levels under 2.0 during the months of April through October.

This issue was slightly addressed on **Pg 23 Scenic-oriented boating / tubing**

> **Protection of LWD** A few conscientious whitewater boaters may have little physical impact on the environment. A limited numbers of conscientious boaters that avoid low-water boating, have the knowledge to avoid trampling sensitive areas, and curtail wildlife disturbances may cause minimum impact to the Chattooga North Fork’s ecosystem. However, for decades a few insensitive but otherwise skilled boaters have made a practice of removing the large woody debris (LWD) that hinders their passage in headwater streams, such as the Chattooga’s West Fork headwaters. LWD has incredible ecological importance in river systems. The Forest Service streams are managed in a manner that emphasizes and recruits LWD. The desired condition is approximately 200 pieces of LWD per stream mile (Sumter Forest Plan, page 3-41). Visit <http://www.fs.fed.us/r8/fms/forest/projects/plan.pdf> (page 86 of 208).

This issue was addressed on **Pg 55 Woody material management and Woolly Adelgid issues**

> **The Younger Generation of Skilled Boaters:** Most boaters are not members of AW and the AW “Share The River Recommendations” are not practiced by large numbers of the younger generation of skilled whitewater boaters (brash and rude, loud talking, hollering, ‘beaver slaps’ with their paddles, obscene gestures, etc.)

This issue was mentioned on **Pg 69** “*A related issue focuses on the nature of boater-angler encounters, particularly the extent to which anglers feel that boaters pass discourteously.*”

> **Loss of Recreational Zoning Along Public Streams and Rivers:** Right now boating (private & commercial; hard & inflatable), horseback riding, and trail biking are all excluded from Chattooga’s North Fork River Corridor. If AW is successful in opening it up for private boating then - - - ? ? ?

This issue was addressed on **Pg 24 Other potential opportunities**

> **Parking:** Burrell’s Ford Parking limitations.

This issue was addressed on **Pg 70 Trailhead congestion / parking**

> **Future growth of 'extremely low flow' boating (what boaters call ELF):** ELF boating is popular among creekers using inflatable kayaks, and those who wish to slow things down and don't mind a bit of boat bashing. Today’s “creeking” boats were made possible by the application of new materials to creative new boat designs. As technology continues to develop, skilled

boaters will run at lower and lower water levels (lower than "technical" levels) in the future. What was impossible to float 20 years ago (i.e. Green River narrows in NC) is crowded today.  
<http://boatertalk.com:80/search.php?search=elf> or <http://riverlog.blogspot.com/2005/08/elf-boating-little-white-salmon.html> or <http://www.boatertalk.com/forum/BoaterTalk/1289388>

**This issue was NOT addressed.**

> **North Fork Tributary Boating** (Reed Creek, East Fork, Pigpen, Etc) Boaters are seeking the "unlimited use" of the North Fork's headwaters. If granted unlimited access, some boaters have expressed their intentions to begin floating the tributaries as they do in the West Fork headwaters. As a tribute to the protection afforded by the present zoning, North Fork tributaries such as East Fork and Reed Creek have preserved large quantities of LWD and with much more coming in the future from the dead and dying hemlocks.

**This issue was NOT addressed.**

> **Noise** When I encounter boaters 'poaching a run', I almost always hear them talking or hollering or hear their hard boats bumping boulders before I see them, even when I'm on the trail. This invades my backcountry solitude experience.

**This issue was NOT addressed.**

> **Private Inflatable Rafts:** The demand by AW to open the Chattooga's North Fork for private rafting. Private rafting often includes **Less-Skilled Boaters.**

**This issue was NOT addressed.**

> **Commercial Use – Boat Rentals & Shuttles:** If the Agency were to grant the "unlimited use" that the private boaters are requesting, shuttle services and rental inflatable kayaks (a.k.a. duckies) would be permissible. Private boaters may use either "rental" or "owned" cars or boats. The Forest Service can't discriminate if a private boater uses rental equipment. For safety considerations, would guided duckies be permitted next?

**This issue was NOT addressed.**

> **Frontcountry Anglers:** Potential boating interference with 'put & take' anglers catching their limit of trout at Burrell's Ford.

**This issue was NOT addressed.**

"lucy christopher" <lucy23822@earthlink.net>

06/18/2007 02:17 PM

I am writing to oppose the kayaking on the part of Chatooga River known as Sliding Rock, located on Whiteside Cove Road in Cashiers NC.

I am a full time resident and therefore can give you an accurate YEAR-ROUND picture of the traffic at the Sliding Rock Site. In the months between June (sometimes May) and September it is not at ALL unusual to find as many as 50 cars parked in the sliding rock parking areas which as you can imagine makes for a highly congested and sometimes dangerous traffic hazzard on this winding road. Adding more traffic is INSANE as a proposal.

In addition with all the vehicles, you can only imagine the number of swimmers at the "rock" on the heavy traffic days. Today there were two bus loads from Asheville and

somewhere in SC. Over the years I have made a practice of asking folks where they come from...

Sliding Rock is almost a major tourist attraction...To name a few: people come from Tiawan, Germany, Alaska, Russia, Wyoming, Oregon, Washington state, California, Montana, ... as well as from states closer to NC.

Why would we add the interruption of Kayaking to the pleasures of picnicing, swimming, fishing already enjoyed in this part of the Chatooga!!! I have lived on Whiteside for eleven years and come myself to this site for 18 and know well of what I speak. Please reconsider your obvious inclination to allow kayaking.

I would appreciate hearing from you in that other emails i have sent over the years have been returned and i have carefully checked and rechecked the email addresss i have above.

Yours truly,  
Lucy Christopher  
2451 Whiteside Cove  
PO Box 2382  
Cashiers NC 2871

**"Kevin Colburn" <kcolburn@amwhitewater.org>  
06/19/2007 11:16 AM**

John,

I heard that Supervisor Thomas stated that the Chattooga's navigability would have to be adjudicated. You know I feel this is wrong for several reasons - most importantly that it already has been adjudicated.... I would like to point out that it was adjudicated through an interstate compact (which prohibits the USFS from certain activities constraining floating under Section 13e of the WSRA) which was confirmed in 1867. See an exerpt from our forthcoming comments on the Integrated report.

Section 13. (e) of the WSRA states: "Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system." Governing regulations for navigability determinations state: "Precise definitions of "navigable waters of the United States" or "navigability" are ultimately dependent on judicial interpretation and cannot be made conclusively by administrative agencies.[1]" In the case of the Chattooga, judicial confirmation of navigability in the form of an interstate compact has occurred and confirms navigability of the reaches in question. In 1876 the Supreme Court clarified that the Chattooga (the most northern tributary of the Tugoloo) is navigable to its source under an interstate compact entered into between the States of South Carolina and Georgia on the twenty-fourth day of April, 1787.

"The navigation of the river Savannah, at and from the bar and mouth, along the north-east side of Cockspur Island, and up the direct course of the main northern channel, along the northern side of Hutchinson's Island, opposite the town of Savannah, to the upper end of the said island, and from thence up the bed or principal stream of the said river to the confluence of the rivers Tugoloo and Keowee, and from the confluence up the channel of the most northern stream of Tugoloo River to its source, and back again by the same channel to the Atlantic Ocean, is hereby declared to be henceforth equally free to the citizens of both States, and exempt from all duties, tolls, hinderance, interruption, or molestation whatsoever attempted to be enforced by one State on the citizens of the other, and all the rest of the river Savannah to the southward of the foregoing description is acknowledged to be the exclusive right of the State of Georgia.(emphasis added)[2]"

Thus, the 30+year ban on paddling under the management plan for the Chattooga Wild and Scenic River has been in direct conflict with Section 13(e) of the WSRA. Likewise, the Comprehensive River Management Plan which is housed in the Land and Resource Management Plan for the Sumter National Forest - now up for amendment - must conform with Section 13(e) and allow navigation without hinderance, interruption, or molestation. Several management options that limit paddling would illegally conflict with this compact.

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[1] 33CFR 329.3

[2] State of South Carolina v. State of Georgia 93 U.S. 4  
<<http://www.justia.us/us/93/4/case.html>> (1876)

Kevin Colburn

National Stewardship Director  
American Whitewater  
1035 Van Buren St  
Missoula, MT 59802

**"mike bamford" <[mbamford123@comcast.net](mailto:mbamford123@comcast.net)>  
06/19/2007 01:35 PM**

Opportunities	Desired	Indicators	Standards	Action Items
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	<b>Conditions</b>			
All Recreational in-river use: [Fishing & floating,]	No river accidents.	<input type="checkbox"/> # Of deaths. <input type="checkbox"/> # Injuries <input type="checkbox"/> Annual Rescues	<input type="checkbox"/> No deaths <input type="checkbox"/> Less than 2 per year per zone. <input type="checkbox"/> Less 2/yr/zone	a) Ban activity on dangerous sections. b) require certification license by skill level by zone.
All Recreational in-river use: [fishing & floating,]	Per WSR Act only primitive types of recreational use.	Type of equipment used on the river.	<input type="checkbox"/> for fishing it is defined as single hook, no artificial lure/bait etc. <input type="checkbox"/> For boating it should be pre 1974 (date of WSR) equipment.	Define equipment for "Primitive" kayaking, canoeing and rafting.
All Recreational WSR use: [fishing, hunting floating, hiking. picnickers]	No User Conflicts	<input type="checkbox"/> Reported user conflict incidents. <input type="checkbox"/> # of Complaints by activity.  <input type="checkbox"/> Felony assaults.	<input type="checkbox"/> Less than two per zone per year. <input type="checkbox"/> Less than five per river mile(zone) per year.  <input type="checkbox"/> Zero per year	<input type="checkbox"/> Establish easy reporting method. <input type="checkbox"/> Limit/ban activities per zone based on statistics.
All Recreational in-river use: [fishing & floating,]	Safe environment. [insure kayakers do not collide with other in-river users]	<input type="checkbox"/> Number of incidents reported. <input type="checkbox"/> Number of in-river collisions. <input type="checkbox"/> Number of high-risk for collision river areas.	<input type="checkbox"/> Less than two per zone per year. <input type="checkbox"/> Less than one every two years. <input type="checkbox"/> less than two high risk zones per river mile.	<input type="checkbox"/> Ban activities in areas that cannot safely handle multiple users. <input type="checkbox"/> Determine areas with potential hazards and define "high-risk area".
Fishing	Sufficient Fish Population	Number of Fish per mile.	<input type="checkbox"/> No damage to the rivers breeding habitats by users.	Ban activities that damage fish breeding habitats.
All Recreational in-river use: [fishing & floating,]	Recreational Safety in a Pristine and natural setting. (Scenery)	<b>Total surface area (sq feet) of signage per river mile.</b> [Add area (Height X Width) of all signs per zone]	Less than 10 square feet of signage per per river mile.	Limit use to river zones that can safely be used AND meet maximum signage requirements. - no signs in wild areas.

Kayaking & Canoeing	Scenic & primitive Setting.  No illegal trespassing.	Total length of portages (user required trails) per mile of river.	a. Less than two portages trails per mile of river. b. Less than 30 feet of portage trails above the river bank per mile. c. No portages on private property	<input type="checkbox"/> eliminate activity in sensitive zones with excessive portage needs. (all skill levels of boater).  <input type="checkbox"/> Ban activity if it causes excessive riparian damage.
All Recreational in-river use: [fishing & floating,]	Scenery and water quality	Marks on riverbed and rocks from floating use.	No more than 3 boat-marks per mile of river.	Limit use by water level, time of year, quantity of users, type of craft.
Health of aquatic ecosystem	Insure fishing and healthy wildlife population	Inventory and levels of micro-invertebrates.	Does not diminish from new use. Set baseline at 2007 levels.	<input type="checkbox"/> WFFF to perform studies on Micro invertebrates
All Recreational In-river use.	Improve Wildlife habitat.	Damage to river trees & fauna created by river users.	-More than 6 visible cut in riparian fauna per mile.  -No pruning equipment allowed on the river.  -No damage on Private Property	Discontinue access.  Create fines. Enforcement? Discontinue access.  Felony Enforcement
Angling & biology	Maintian ecosystem for trout regeneration	Water temperature. Main stem & tribs	- no change in water temp due to canopy removal.	-no removal of canopy or riverbank flora.
All Recreational in-river use: [fishing & floating,]	Primitive, clean and safe habitat for ALL wildlife. [for Otters, salamanders, owls, herons invertebrates	Count wildlife per foot of river.	No decline population. No negative-impact on breeding habitats.	- Count wildlife before & after trials. - Monitor every 5 years. - Limit use by zone if LAC is not meet. - Solicit WFFF to perform studies on Micro invertebrae
Birding	Primitive, clean and safe habitat.	Count wildlife per foot of river. Herons, kingfishers	No decline in population. No negative-impact on breeding habitats.	Add to cycle counts. Determine baseline.

Road access to the river for search and rescue	Minimal impact on WSR setting.	New roads/trails. Fauna damage.	<input type="checkbox"/> 4(f) DOT. <input type="checkbox"/> Section 7, Appdx E WSR act. <input type="checkbox"/> Trespassing laws.	Insure compliance.
Minimize cost of NFS	Costs per activity (user group) are not disproportionate with the overall population.	Compare ratios A to B A=[Incremental cost to NFS associated with activity divided by total NFS budget]. B=[number of licensed users by activity divided by US population.]	Insure ratio A/B is less than 5. <b>In English</b> ” insure users burden on NFS resources is less than five times it’s equitable share as a percent of participation rates”	Increase/add activity license fee so as to not unfairly burdened NFS resources or taxpayers dollars.
Minimize the cost burden of Search & Rescue on local communities.	Costs per activity (user group) are not disproportionate with the area population.	Compare ratios A to B A=[cost of search and rescue per activity per year divided by total budget for search and rescue] B= [number of licensed users by activity divided by area population.]	Insure ratio A/B is less than 5.	<input type="checkbox"/> Increase activity license fee to insure local hospitals and services are not burdened by user activities/actions. <input type="checkbox"/> Require proof of insurance from boaters.
Swimming & wading .	Safe environment for children swimming and playing in the water	Number of in-river users per zone per month.		<input type="checkbox"/> Establish Boating free zones in the river corridor during swimming seasons. <input type="checkbox"/> Mandatory portages at heavy traffic areas near fords & bridges.
All users especially hard shelled craft.	No damage to riparian areas or riverbeds	Use at the levels that will not impact the riverbeds or riparian zones.	Number of plastic marks in the riverbed. <input type="checkbox"/> Number of users running under the 2.6 water levels. <input type="checkbox"/> WSR sec 7, Apdx E <input type="checkbox"/> 4(f) DOT.	-Set penalties high enough to deter environmental problems.  -Enforce with local support.
Boating Vs Angling	Equitable proportions of the river that Maximize use	-Number of boaters in Southeast -Number of anglers in the Southeast. Proportion of river used by boaters.	Insure the percentages of allocated time and zones match	Review annually. Adjust every 5 years.

	without damage to the environment.	Proportion of river used by anglers.	the number of users.	

**"mike bamford" <mbamford123@comcast.net>  
06/20/2007 06:44 PM**

**When Anglers Fish**

Dear Mr Cleeves

Last evening you requested I review why the DNR data was ignored with the hired consultant Doug Whitaker. The graphs and data provided at the meeting inaccurately depicted water levels at which people would likely fish the Upper Chattooga. As pointed out on numerous occasions, the SC and GA DNR angling surveys show that people often fish during Whitaker defined "marginal" angler flow levels. If these were truly "marginal" you would expect fewer anglers during these marginal periods. The data from both DNR reports that represent over 1,000 points of data do not indicate that behavior.

Unlike the Whitaker data collected during a single flows level during an informal survey, the DNR reports COUNTED the actual number of anglers and group sizes at the river during various flow levels. There were two DNR reports over the last 20 years and both consistently showed that what Whitaker classified as "marginal flows" depict no change in angler behavior.

Mr. Whitaker showed me his regression analysis that shows anglers would be at the river less as flows increases, this is true but the relationship is not a simple linear function. In his own manual on fishability flow Whitaker depicts preferences as a beta-type distribution not a simple linear decline. (see Whitaker, Flows and Recreation A Guide for River Professionals pg 31.)

Regression analysis is simply the incorrect statistical method to analyze the data. Regression shows trends but it does not help understand the function of visitor behavior. To correctly analyze the data to model the behavior function, the data should be reviewed using a goodness-of-fit test for what looks like a classic beta distribution. Regression might be an easy click on Mr. Whitaker's statistical package but it is simply not appropriate for discounting a scientific study and replacing behavior preferences with his own anecdotal small sample of data.

Actual user behavior from the DNR Study shows a wide plateau of "acceptable ranges" with little alteration in behavior from ideal to acceptable ranges.

At some point fewer anglers will be on the river due to higher water levels. However, the behavior is not a linear decrease as Mr. Whitaker attempts to state by misusing regression analysis for depicting behavior curves.

This is a serious issue because the charts and graphs used to show "angler use behavior" is incorrect and unscientific. Using this data to review alternatives may bias the results and would not lead to the publicly stated outcome of an objective and defensible alternative.

A review of all the non-Whitaker data shows angling remains popular at water levels up to 2.5' [P(95)] below Burrells Fords and above 3.0' [P(99)] along the Chattooga cliffs segment. The USFS published "fishing declines significantly at flows of 2.5 feet (1400 cfs) or higher as measured at the Highway 76 gauge." (pg H-16 Sumter 2004 FEIS)which validates the previous

study numbers and is consistent with other sources of data.

Whitaker himself warns of using a single flow assessment to determine fishable ranges

in the USFS referenced methodology. "Fishability assessments at a single flow may be able to demonstrate whether a flow provides fishable water, but they are unlikely to provide precise flow ranges for different opportunities."

pg 17 Whitaker et. Flows and Recreation: A Guide for River Professionals

Yet the single flow "range assessment" is used over previous multi-flow multi-user surveys. If the USFS wants to have useful public review to determine an objective solution in collaboration they should first present the correct data to the public regarding angling times.

Mike Bamford

### **When Anglers Fish**

Chart Source: 2004 Sumter F.S. FEIS pageH-14

**"Wyatt Stevens" <WStevens@roberts-stevens.com>  
06/22/2007 08:34 AM**

Dear Mr. Cleaves:

As you know, I am a member of the Whiteside Cove Association. I am deeply concerned about the recent statements issued by the Forest Service about our private property.

In 1971 the USFS was obligated to publish land ownership for Wild & Scenic designation. They published that the NC Attorney General considers this private section of the Chattooga non-navigable and therefore private property.

For at least the fourth time, I am asking you, on behalf of the US Forest Service, to clearly delineate boundaries to the public so not to infringe on our private property rights.

The Army Corps of Engineers and The North Carolina Attorney General both were correct in their assessment that the upper 1.7 miles of the Chattooga is non-navigable. This small mountain stream does not have the capacity for floating during ordinary conditions.

The Values of swimming, wildlife viewing and angling must be protected on all segments of this stream.

Thank you for including my comments into the public record.

Regards,

Wyatt Stevens

**"Peter McGuire" <PMcGuire@roberts-stevens.com>  
06/22/2007 11:00 AM**

Dear Mr. Cleaves:

I have been a regular guest of the Whiteside Cove Association in Jackson County North Carolina for many years.

I can't remember any occasion that the water level prevented us from enjoying fishing some point along this non-navigable section of stream. If flow levels offer separate opportunities for boaters, then it is clear that this section of stream is not navigable since the stream is fishable at just about any water level.

Please do not allow kayakers to ruin this incredible piece of property.

Thank you for including my comments into the Forest Service public record.

Sincerely,  
Peter McGuire

**dblmt3@aol.com**  
**06/22/2007 11:40 AM**

July 22, 2007

Dear Mr. Cleeves,

Once again I write to you concerning the effects white-water kayaking would have on the Upper Chattooga River. As a member of the Whiteside Cove Association, I have enjoyed this section of stream for nearly 15 years. Not once during these years have I witnessed the water level so high as to prevent me from fishing or my daughters from swimming and sliding in the stream.

The notion held by some that this section of stream is navigable is absolutely absurd except during brief periods of extreme flooding. I contend that over 95% of the time, a substantial portion of this part of the stream would not float a boat, therefore requiring the paddlers to walk and drag or carry their craft. Furthermore, portage around several gorges and falls would be necessary at any water level. Now we're getting into private property rights and trespass.

Thank you for including my comments into the Forest Services public record.

Sincerely,

Marvin Thomas  
Asheville, NC

**"Kim's Hotmail" <kimberlykay21@hotmail.com>**  
**06/22/2007 12:25 PM**

Dear Mr. Cleeves:

My family is a member of the Whiteside Cove Association that leases land in the headwaters of the Chattooga. The private stream located in Western North Carolina is under determined assault by the US Forest Service backed by the kayak access lobby .

In 1971 the USFS was obligated to publish landownership for Wild & Scenic designation. They published that the NC Attorney General considers this private section of the Chattooga non-navigable and therefore private property.

The USFS must clearly delineate boundaries to the public so not to infringe on private property rights.

Thank you for you time and review of this important matter.

Sincerely,

Kimberly Stevens

**"Kim's Hotmail" <kimberlykay21@hotmail.com>  
06/22/2007 12:28 P**

Dear Mr. Cleeves:

Our family is a member of Whiteside Cove Association in Jackson County North Carolina. We have fished, swam, picnicked and enjoyed the Chattooga Cliffs reach of the Chattooga for many years.

I can't remember any occasion that the water level prevented us from enjoying fishing some point along this non-navigable section of stream. If flow levels offer separate opportunities for boaters , then it is clear that this section of stream is not navigable since the stream is fishable at just about any water level.

We enjoy only a few weekends a year at the Chattooga, we would be devastated to have those precious opportunities spoiled by having to dodge kayakers walking down the river during our few visits each year.

Thank you for included my comments into the Forest Service public record.

Sincerely,

Kim Stevens

**"Doug and Eedee Adams" <edadams1@alltel.net>  
06/22/2007 03:52 PM**

Dear John and Tony,

This is a follow up to my Aquatic Habitat / LWD question at the Walhalla Open House on 6/21 (see attachment).

Please include "Indicator: Aquatic Habitat" in the [Current and Future Management Standards](#) for the 7/14 workshop.



Thank you, Doug Adams Boating Zoning - LWD Management Standard.doc

## CURRENT AND FUTURE MANAGEMENT STANDARDS on the UPPER CHATTOOGA RIVER

The Forest Service will hold a workshop on **July 14, 2007** to develop a list of priority standards (LAC Step 5) and potential management actions (LAC Step 7) that reflect the desired resource and social conditions for the upper Chattooga River.

### **CURRENT AND FUTURE MANAGEMENT STANDARDS:**

I believe the Forest Service must now establish the LAC needed to protect and preserve the aquatic habitat and natural processes from human influences. This means stopping the practice of allowing the removal of Large Woody Debris (LWD) that blocks the passage of boats. In 1995, hurricane Opal placed an astonishingly large quantity of LWD in Overflow Creek, Holcomb Creek, and Reed Creek. The boaters soon took it upon themselves to take in chainsaws and "clear the water trails" on the West Fork tributaries of Overflow and Holcomb Creeks. Meanwhile Reed Creek, a North Fork tributary above the Highway 28 Bridge, has not been disturbed and continues to benefit from the LWD left by Opal.

American Whitewater has already notified the Forest Service in a 2002 letter of the desire of some whitewater boaters to float the North Fork tributaries during storm surges, including the East Fork, Lick Log Creek, and Reed Creek (all of which are loaded with LWD).

### **Indicator: Aquatic Habitat**

*"A variety of aquatic species depend on the natural accumulation of trees, branches, and root wads known as large woody debris (LWD). LWD slows the flow of water, dissipates energy, traps sediment and organic matter, and creates microhabitats for fish and macro invertebrates. LWD in the form of overhanging logs, debris jams, and especially root wads forms pools and provides complex cover. Removal of LWD typically results in habitat simplification and fewer, smaller fish."* A quote by Dr. Andy Dolloff, PhD in Fisheries and Wildlife, a researcher at VA Tech's Southern Research Station. <http://www.cnr.vt.edu/fisheries/Dolloff.htm>

**1) What current management standards exist for each indicator on the upper Chattooga?**

The Forest Service defines LWD as any piece(s) of dead woody material [e.g., dead boles, limbs, and large root masses] on the ground in forest stands, or in streams. Forest Service streams are managed in a manner that emphasizes and recruits LWD. The desired condition is approximately 200 pieces of LWD per stream mile (Sumter Forest Plan, page 3-41).

**2) What is the current condition of each indicator, as revealed by the data collection process (LAC Step 4)?**

Excerpt from the [Integrated Report](#) Chapter 5 *Biophysical Impacts*; under **Wildlife impacts**;

**Pg 55 Woody material management and Woolly Adelgid issues**

*“Large woody material (LWM) in the river provides cover for fish and can be affected by (r)ecreation use. Logs that span the river, block boat passage, or otherwise create a safety risk are sometimes removed by agencies or boaters, potentially reducing “structure” or changing other ecological functions.*

*There is currently no assessment of LWM in the Chattooga, nor any formal analysis of whether current levels are a limiting factor for any species. Developing an appropriate indicator and standard for LWM would require such analysis. However, one could develop a “no degradation” standard that would discourage or prohibit LWM removal for boating passage.*

*Logs prompted 3 to 5 portages (depending upon boater skill levels) during the expert boating reconnaissance (most on the Chattooga Cliffs segment, but also at Big Bend Falls). But more LWM is likely in the future because the Woolly Adelgid epidemic has killed many hemlock trees in the Chattooga basin and this will probably introduce more LWM into the river. Whether logs should (or will be) removed if they create boating hazards are open questions (if boating is allowed).*

There are extensive debates among boaters and river professionals about the settings and conditions under which it is appropriate to remove LWM for boating (Interagency River Management Workshop, 2007). There is no clear consensus on this issue, which appears to be decided on a case-by-case basis (Hughes, 2007). Variables may include the ecological value of individual logs (not all logs are equally beneficial), the type of boating (log hazards or portages are more problematic for rafters than kayakers), potential impacts from portage trails created to avoid the hazard, level of use, overall “primitiveness” of the river, and specific implications for boaters (is the log a substantial safety threat, or just an inconvenience?).

*In many cases, user groups may remove hazardous LWM (Blevins, 2007). There appears to be tacit agency support for some of these efforts, but sometimes there is no agency consultation and formal agreements are rare. Occasional log removal would probably occur on the Upper Chattooga if boating was allowed, but highly skilled kayakers are used to getting under, over, or around log hazards.*

*The ecological values of aquatic species are “outstandingly remarkable” values on the Metolius and Upper Rogue WSRs in Oregon, and both have management protocols to maintain large woody material. On the Upper Rogue, the “no boating” headwaters segment appears to have been established in part to ensure that woody debris will never be removed for boating passage (the only other year-round non-motorized boating closure on a WSR that we know of). The Upper Rogue is a very small and steep creek with many downed trees crossing the river and a “lava tube” where the entire river goes underground for a short distance, all of which discourage boating on that reach. On the Metolius, a larger river where boating is common, woody debris is managed more aggressively on one reach to allow safe boating passage, but it is generally not removed on another reach to maintain the function of remaining logs (IWSRCC, 2007).”*

**3) What are potential standards to apply that will better enable the agency to achieve the desired future condition of the river (LAC Step 5)?**

Excerpt from the management prescription for the “wild” sections of the Chattooga river: *“These segments of the Chattooga River (“wild” sections) are the most primitive and remote. Management of these segments is focused on protecting the outstandingly remarkable values of the river and preserving the natural environment and natural processes from human influences.”* (quote from CONF Forest Plan, page 3-26).

The Management Emphasis for Ellicott Rock Wilderness: *“The emphasis is to allow ecological and biological processes to progress naturally with little to no human influence or intervention, except the minimum impacts made by those who seek the wilderness as a special place that offers opportunities to experience solitude.”* (Quote from page 3-1 of the Sumter Forest Plan) Obviously, LWD in the river should not be manipulated, especially to facilitate visitor recreation.

The desired condition is approximately 200 pieces of LWD per stream mile (Sumter Forest Plan, page 3-41). Dr. David Van Lear, PhD and retired Clemson forestry professor, has studied the effects of LWD in 3 Chattooga North Fork tributaries. Dr Van Lear said there is no such thing as too much LWD in area streams.

#### **4) What are potential management actions that will better enable the agency to achieve those standards (LAC Step 7)?**

**Increased education and enforcement:** A few conscientious whitewater boaters may have little physical impact on the environment. A limited numbers of conscientious boaters that avoid low-water boating, have the knowledge to avoid trampling sensitive areas, and curtail wildlife disturbances may cause minimum impact to the Chattooga North Fork’s ecosystem. However, for decades a few insensitive but otherwise skilled boaters have made a practice of removing the LWD that hinders their passage in headwater streams, such as the Chattooga’s West Fork headwaters.

For more info about the importance of LWD, visit  
[http://www.americanwhitewater.org/content/Wiki/stewardship:woody\\_debris](http://www.americanwhitewater.org/content/Wiki/stewardship:woody_debris)

Excerpt from page 56 of the [Integrated Report](#) , *“In many cases, user groups may remove hazardous LWM (Blevins, 2007). There appears to be tacit agency support for some of these efforts, but sometimes there is no agency consultation and formal agreements are rare.”*

Boaters vs. LWD - Upper Green River Narrows (NC) Dec 28 2005

<http://www.boatertalk.com/forum/BoaterTalk/945720>

LWD & Overflow Creek Runs (11/17/06) <http://www.boatertalk.com/forum/BoaterTalk/1142560>

LWD Removal by boaters in Great Smoky Mtn. NP

<http://www.boatertalk.com/forum/BoaterTalk/1142521>

Boaters Talk about LWD Removal <http://www.boatertalk.com/forum/BoaterTalk/1194718>

Prepared by Doug Adams (6/22/2007)

**"Doug and Eedee Adams" <edadams1@alltel.net>**

**06/24/2007 09:19 PM**

Hi Doug,

I appreciate your taking time to discuss this subject with me last Thursday in Walhalla. I put my thoughts together in the attached document.

I attempted to explain why my angler diary reports should have low reports of “anglers observed” and the actual PAOT should be higher.

I hope you find my comments helpful in explaining why backcountry anglers like me go to each of the 3 segments and the experience we are seeking in each segment.

The 2 NC segments (NC line to Bridge & upstream of Bridge) are also wild brown trout experiences. My first 30 years on the Chattooga I did not purchase a NC non-resident fishing license and trout stamp. I have purchased the NC licenses for the last 22 years but I don't go up there very often because it takes me about 90 minutes to drive to the Bull Pen Bridge and it is difficult to climb out after dark (the trail is way back from THE RIVER). I had a wonderful afternoon up there in May and I'm going up there again this week if I we get a rain shower (those segments produce best in the rain).



Boating Zoning - Angler Diary.doc

#### **Comments on the [Integrated Report](#) reference to angler's diary:**

I believe I am qualified to comment on this data. I co-ordinate the anglers who volunteer to keep Chattooga River fishing diaries. All are backcountry anglers. Of the 133 angler diary reports, 78 were mine (58%). Of my 78 reports, on 50 of those reports I fished alone (64%). See my comments below. Doug Adams (6/23/2007)

#### **Chapter 4. Use Information; Existing use; *Ellicott Rock Segment***

**Pg 30** • Backcountry angling use also occurs on the reach. Based on **12 angler diary** reports in 2004 and 2005 (most in April and May), an average of 2.3 other anglers were observed in this segment (with a high of 6 and some days with none). Workshop estimates suggest there are seasonal and weekly patterns among backcountry angling, with an average of 4 to 6 PAOT in early summer, but peaks as high as 10 PAOT. During winter months, the number of anglers is generally under 4 PAOT.

**Comments:** As a result of the "wilderness" label and the easy trail in close proximity to THE RIVER, this segment has very high visitation from family outings, picnickers, day hikers, and backpackers who sometimes are also casual anglers. Highly skilled and experienced anglers seeking a special challenge also visit this segment. **When I go to this segment (Burrell's Ford to the NC line) I am there to fish for wild brown trout with the possibility of stalking a trophy size wild brown** (there is no stocking upstream of Burrell's Ford). Even when I'm camping, I release all wild brown trout.

It takes me 50 minutes to drive to the trailhead and from 30 to 90 minutes to hike up THE RIVER. I go on a weekday (or a Sunday evening) and at a time of day when I'm least likely to encounter another angler. I almost always go alone. When I'm seeking wild brown trout I want a section of THE RIVER that has been undisturbed for 2 or more hours. I will walk until I find that section and then check to be sure there are no wet tracks on the rocks. In April and May I usually start my hike in about 4 to 5 PM and hike out by flashlight. **Therefore my angler diary reports should have very low reports of "anglers observed", and most "anglers observed" are on the trail hiking out as I hike in.**

In addition to the GA WRD Chattooga fishing diary, since 1976 I have been keeping a personal trout-fishing log of each trip to all the streams I've fished. I use the information to refresh my memory and to help me predict the dates and time of day when annual hatches of certain insects (mayflies and caddis flies) will occur. I try to be at the right segment on the right days and right time of day when trout are feeding on the anticipated insect hatch. **Most of the hatches I follow occur in April and May.** For more on this subject, take a look at the "hatch chart" on page 2 on the monthly Rabun TU newsletter, click [HERE](#) .

## Rock Gorge Segment

**Pg 31** Backcountry angling use also occurs on the reach. Based on **42 angler diary** reports in 2004 and 2005 (most from October-May), an average of 2.1 other anglers were observed AOT in this segment, although zero anglers were reported on several days (and three days had unusually high reports of 12 to 15, possibly from counting anglers in the DH segment too).

Comments: This segment is the real “backcountry”. There is a much better wilderness experience available here than in the overused Ellicott Rock Wilderness (below the NC line). There are 2 very long sections of this segment where the trail is well away from THE RIVER. An angler has to invest a lot of time and effort to hike in and out of this segment. **When I go to this segment, I am there seeking a backcountry experience of solitude, wildness, and remoteness as much as I’m seeking the fish.** I usually go alone. At the upper end (upstream of Big Bend Falls) I expect to catch wild browns and “naturalized” trout (stocked as sub-adults by helicopter months or years earlier). Below the falls I expect to catch mostly “naturalized” trout. When I’m camping, I will usually keep a few “naturalized” rainbow trout for a camp meal (most rainbows don’t carry-over through a hot and dry summer).

I go on a weekday (or a Sunday evening) and I hike to a remote section where I’m least likely to encounter another angler. I know if there are vehicles parked at the trailhead I need to go to the more remote sections. **Therefore my angler diary reports should have very low reports of “anglers observed” and almost all “anglers observed” are trail encounters and seldom in THE RIVER.**

## Nicholson Fields / DH Segment

**Pg 32** • Based on **79 angler diary** reports in 2004 and 2005 (all from November to May), an average of 4.1 other anglers were observed in this segment, although no anglers were reported on some days and only 6% of days had more than 10.

• Workshop estimates suggest higher use levels than **angler diary** information. Based on these, weekend peaks may be as high as 30 PAOT in early fall or late spring, although average weekends are usually less than 15 PAOT. In contrast, weekday peaks rarely exceed 10 PAOT and weekdays average 1 to 5 PAOT (which fits with **angler diary** reports, which may have over-represented weekdays).

Comments: This is the easiest segment to get to. I can drive to the parking areas in about 30 minutes compared to 50 minutes to drive to Burrell’s Ford. **When I go to this segment, I am seeking the opportunity to catch larger trout (up to 24 inches) and to experience higher catch rates (trout/hour). I’m aware that loss of solitude is the trade-off.** This section has very heavy fishing pressure and I know that I’m likely to see other anglers while I’m in THE RIVER. I go on a weekday (or a Sunday evening) and at a time of day when most other anglers have quit. When I park on the GA side at the gate and walk in the old road to the last half mile of the DH section I bypass the lower 2 miles of the DH and never see most of the anglers. **Therefore my angler diary reports should have low reports of “anglers observed.”**

I know most of these trout are “stocked” and I know after being spooked they will settle down quicker than “wild” or “naturalized” trout. **I will walk until I find a section that is vacant of other anglers (usually out of sight of other anglers) for my temporary personal envelope of solitude.** If I’m taking a person new to fly-fishing and trout, this is the place I usually go.

Due to publicity, this segment has grown so popular in 2006 and 2007 that now I will often count vehicles in the parking areas and decide to continue driving to Burrell’s

Ford or one of the other backcountry trailheads. **Also, Friday afternoons have grown so crowded that I now avoid going to THE RIVER altogether on Fridays.**

"Doug and Eedee Adams" <edadams1@alltel.net>  
06/25/2007 11:09 PM

Comments on excerpts from the [Integrated Report](#) by Doug Adams  
(6/25/2007)

## 2. The Upper Chattooga “Decision Environment”

### Guiding legislation or other agency mandates

#### *Wilderness Act*

**Page 9** • The Wilderness Act specifically identifies “outstanding opportunities for solitude” and “primitive and unconfined type of recreation” as management goals. However, it does not further define these terms.

**Comment:** Actually the wilderness act says “or a”, not “and”. The Integrated Report takes the two opportunities out of context. The report deleted the conjunction words “or a” meaning “an alternative”; the report substituted the conjunction “and” meaning “together with or along with”. This implied reversal in meaning appears to have been done with forethought.

It is interesting to note that Kevin Colburn, AW Access Director, made a similar twist of meaning on the Sumter NF message board in a post at 1:54 PM, 11/9/2005. Mr. Colburn posted:

The Wilderness Act describes wilderness as those areas with “outstanding opportunities for ... a primitive and unconfined type of recreation.”

**I’m sure Mr. Colburn used forethought when he omitted** “solitude or a”.

Click on, <http://www.wilderness.net/index.cfm?fuse=NWPS&sec=legisAct&error=404>

#### DEFINITION OF WILDERNESS

“ - - - which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude **or a** primitive and unconfined type of recreation;- - - “ (emphasis added)

**Page 9** • The Act also directs wilderness to be managed for “unconfined recreation.” One interpretation suggests indirect management actions should be used to limit recreation impacts unless those prove insufficient, in which case direct actions are acceptable (USFS, 1990; section 2323.12).

**Comment:** The Management Emphasis for the Ellicott Rock Wilderness is not for “unconfined recreation.” Instead it is “*to allow ecological and biological processes to progress naturally with little to no human influence or intervention*” and “*as a special place that offers opportunities to experience solitude.*” (underline added) (Excerpts from page 3-1 of the Sumter Forest Plan)

Click on: <http://www.fs.fed.us/r8/fms/forest/projects/summary.pdf>

### Ellicott Rock Wilderness Area—Andrew Pickens, 2,855 acres (approximate)

**Emphasis:** The emphasis is to allow ecological and biological processes to progress naturally with little to no human influence or intervention, except the minimum impacts

made by those who seek the wilderness as a special place that offers opportunities to experience solitude.

**Page 9** • Most types of recreational use are allowed in Wilderness, “except those needing mechanical transport or motorized equipment, such as motorboats, cars, trucks, off-road vehicles, bicycles and snowmobiles.” Commercial services may be offered for activities “proper for realizing the recreational or other wilderness purposes” (Section 4(d)(5)).

**Comment:** The Ellicott Rock Wilderness management does not allow horseback riding or recreational gold panning; both are Wilderness compliant recreations.

The Ellicott Rock Wilderness management also does not allow guided fishing by outfitters permitted to guide downstream of the Wilderness. However, when Ellicott Rock Wilderness visitors were surveyed, only 13% were anglers (from page 29, “*Ellicott Rock Wilderness Management Plan*”, prepared 1982). Maybe the requests for guided fishing activities have been denied because this Wilderness already has diminished opportunities to experience solitude due to very high visitation for other primitive and unconfined types of recreation. Or perhaps they were denied because the addition of guided anglers would interfere with the existing self-guided anglers seeking solitude and a special challenge fishing for wild brown trout in undisturbed sections of THE RIVER.

### ***Other management factors***

**Page 10** *Integrating state fisheries management goals and authorities.* Section 4(d)(8) of the Wilderness Act notes that State jurisdiction has precedence with respect to managing wildlife and fish in the national forests. Except in the case of endangered species and marine mammals, states generally manage fishing and hunting through their own laws and regulations, which are not affected by WSR and Wilderness designations. In general, hunting and fishing are allowed on WSRs, except where agencies might establish no hunting zones for safety or for other reasons in consultation with state fish and wildlife agencies (IWSRCC, 2006, p. 48). In the case of the Chattooga River, recreational trout fisheries have been enhanced through stocking and regulations since the 1930s, and these appear likely to continue through the next forest planning cycle. For this decision environment, the existing stocking and regulation program is assumed (see discussions about stocking and fishing regulations in Chapters 3 and 4), and the report does not evaluate ecological impacts or benefits of stocking programs.

**Comment:** Section 13 of the WSR Act states “*Hunting and fishing shall be permitted on lands and waters administered as parts of the system – “*  
I find it interesting that nowhere in the WSR Act does it say boating (or floating) shall be permitted on waters administered as parts of the system.

Click on <http://www.rivers.gov/wsract.html>

**"Doug Whittaker" <dougwhit@alaska.net>**  
**06/25/2007 11:39 AM**

Thanks Doug....

I believe the integrated report does recognize that the dairy reports appear to suggest lower use levels than some of our other sources (vehicle spot counts, workshop estimates), and your explanation helps explain why. One of the "problems" of dairies as a use estimation method is that the anglers willing to keep a log may or may not be behaving like a "typical angler" or randomly sampling representative segments or times. I've forwarded this on to John Cleeves for additional consideration as planning moves forward...

Good spending a little more time with you at the meetings...

Doug

**"Doug and Eedee Adams" <edadams1@alltel.net>**  
**06/25/2007 12:06 PM**

Doug,

Thank you for the reply. I have no doubt that I'm not a "typical angler". I do believe most Chattooga anglers fish the "Dr Pepper" schedule (10-2-4: start at 10, take a break at 2, and quit at 4). I do have a lot of friends that fish as I do, but they aren't typical either.

Thanks and Happy Trails, Doug

**"mike bamford" <mbamford123@comcast.net>**  
**06/26/2007 02:32 AM**

Response to Doug Whitaker Email June 26 2007 Mike Bamford

Dear Mr. Doug Whitaker

My respond to each of your comments in your outlined email is formatted in the same outline for your easy reference. Your original email is below my response.

**1) Re: Does Flow Effect Angling Use? What are the optimal angling times?**

No one disagrees that at some point high water flows will make angling unacceptable. The question is "What is that level?" at a specific site, for a specific type of angler. The single flow assessment during the six member expert angling panel and anecdotal (unobserved, nonscientific) survey did not answer the question of when, or why, people fish the Chattooga.

Since you were unable to use your "preferred method" of "direct observations of multiple flows" how could you still argue that your single flow assessment is more accurate than all other collected data?

Is it not possible that any data collected by anyone other than your company might be a better forecast of visitor behavior? At the very least the inconsistency of the previous data with your expert panel data should have initiated more questions to any humble and objective scientist.

**Optimal Fishing levels:** Page six of the *Statement of Work; Recreation data collection* submitted to you by John Cleeves on June 8, 2006 noted that the objective of the angler panels was to “*estimate flow ranges for different types of fishing opportunities*” and “*to estimate likely demand for different opportunities*” The objective was clearly to forecast demand over flow ranges, not assess the “optimal fishing conditions” as you later decided to report. Further in the USFS published *Implementation Plan* indicated that “The focus in this element [expert panels] is to assess how flows affect these two highly flow-dependent activities.” Your question of “what are optimal flows” or “fishing quality” was not what you were hired to collect nor is it relevant in the Visitor Capacity study.

The idea that the collected “optimal fishable water level” -averaged over the entire reach dictates use behavior does not match any of the actual use data. Angling behavior - when people fish the Chattooga -- for most of the public is when they have the time to get to the river during acceptable conditions. Angling opportunities may only be a few times a year and for those individuals the “fishing time” is dictated by many other factors not just the flow level. According to actual data, from the DNR and WCA, the Chattooga is fished consistently for over 95% of the water levels. The 1999 DNR data actually shows angling use increases during the "marginally" higher water, then drops off at unacceptable levels; The abrupt decrease at the “unacceptable” flow level matches your previously published assessment of angling behavior in your book and flow-study methodology.

The increased angler use of the Chattooga at higher flow levels may simply be a result of those very anglers being displaced by boaters from other nearby streams. Since cause was never studied in the DNR reports, or the expert panel, this claim, repeated by the angling community, is reasonable of more rigorous exploration and may better explain why "optimal fishing flow levels" does not correlate to use.

The USFS published October 06 *Implementation Plan* noted that “*For most impacts of interest in capacity efforts, it is important to focus on more specific use measures, each of which must specify timing (e.g., at one time, per day, per week, per month, per season), location (e.g., at a launch area, in the entire segment, at specific attraction sites), and units (e.g., user days, people, or trips).*” Yet this data was never collected.

Actual data from the DNR reports that counted hundreds of anglers in the backcountry are more reliable for a determination of angler behavior than your tiny questionnaire handed to six fishermen during the "expert panel" study. Actual use data clearly shows that angling use does not decline during what you define as "marginal" fishing times.

Response to Doug Whitaker Email June 26 2007 Mike Bamford

## **2)RE: Problem with all the various data sets of angling data.**

Of course all data sets have their limitations including the data within the expert panel report. The concern is that all the other data sets (excluding your expert panel report) validate each other. The expert panel report is the only report to reach the conclusion that less than optimal conditions somehow alter angler behavior.

I agree with your point that "other variables may influence use too". This is why I do not believe that "flow levels" was the correct attribute for assessment of non-boating use behavior or that flow levels will be the panacea for avoiding conflict in the future.

When anglers fish, swimmers swim or birder's bird have to do with many other variables other than the water flow level which is primarily a boater attribute. The Upper Chattooga Watershed flow levels have less impact on usage than does temperature, seasonal waterfowl behavior and designated fishing seasons.

Looking at only flow levels was not an accurate method for forecasting use patterns of anglers, which was the purpose of the study as outlined in the October 2006 *Implementation Plan* and the June 2006 *Statement of Work*.

## **3) Whiteside Cove Association 40 years of Visitor Used Data:**

You say the WCA data is not a census of use and I agree, but neither is the DNR reports nor is your report from six anglers filling out a survey. There are over one hundred unique fisherman/women and near one thousand dates registered in the ignored WCA data. The expert panels handful of angler opinions is clearly less of a census then the WCA thousand data points over many years use. The goal of the report was to help forecast use, not gather a census; all available data should have be used to help forecast use. Excluding the only angling data for the Chattooga Cliffs section is highly prejudicial given that it shows consistent angling use up to 2000 cfs on the 76 gauge or during 100% of the boatable flow levels.

Your argument that since the gauge is 30 miles down stream the WCA data may be flawed might be accurate. However, this same argument would also apply to the expert panel data, which exclusively used down-stream data to estimate "flow preferences" for boating and angling. Certainly YOUR expert use of downstream flow data in the very expensive *Expert Panel Study* is no more valid then the Whiteside Cove Association's use of downstream flow data for estimating angler use.

The WCA has been collecting use data for the past 18 months with a local gauge. We have not had one day that resulted in non-fishing due to high-flow levels.

Why you feel the type of pole used, fly or spinner, is important remains a mystery. Both types of anglers have voiced their dissatisfaction with being interrupted by kayaking, canoes, rafts, tubers AND PWCs regardless of if they are spin casting from the bank or Fly fishing from the center of the creek

I understand why you don't wish to consider the WCA forty years of collected data, it does not validate your expensively collected expert panel data. It proves that the protected OR value of angling would be further diminished if boating were also allowed on this section of the Chattooga.

Response to Doug Whitaker Email June 26 2007 Mike Bamford

#### 4) **RE 1987 DNR Study:**

Discarding the 1987 data because it is "old" requires an explanation of why you feel "old" means useless. We are both going to start graying soon so think about your answer wisely. The 1987 study clearly shows that flows up to 1400cfs on the 76 gauge showed no decrease in angling behavior which matches the 1999 DNR assessment. It does not match your assessment that fisherman's behavior is altered at 1,100cfs.

I'm not sure what fishing changes in the past twenty years would have diminished fishability during higher water levels but rather would predict that some ingenuity have resulted in some fishing accessories and better techniques make fishable during higher flows more attractive.

Page seven of the *Implementation Plan* noted that "*Creel census efforts for the Upper Chattooga (e.g., roving creel observations in 1987-1989; front country angling surveys in 1999-2000 and 2004-2005) provide useful estimates, but they focus only on angling.*" Yet these useful estimates are discounted in your integrated report.

#### 5) **Re your publications, the DNR reports and the flow/fishing relationship.**

##### **Previous publications:**

If "use versus flow" are not accurate predictors, why did we do a flow study for anglers at all? "Fishing quality" was never requested in the Statement of work nor was it outlined in the Implementation plan. Your were hired to forecast use behavior not review "fishing quality". You were quoted in the Implementation plan and in section V of your July 2006 presentation as saying that "*In many river settings, recreation opportunities occupy different "niches" in the flow regime (e.g., anglers often prefer lower flows and whitewater boaters prefer higher ones). This may affect use levels and interaction between users.*" This statement from your previous studies was found to be inaccurate for the Chattooga. It is time to accept that your hypothesis is not valid for the Upper Chattooga and hope you can learn from your newfound knowledge prior to creating a quagmire elsewhere.

**DNR Reports:** You stated that you only "*went looking for the DNR survey because I (and*

others) highlighted it” , yet it was written into the Implementation plan and in the Sumter 2004 FEIS that was supposedly analyzed in the literature review. Again in the private sector you would not have been paid for such incomplete work.

**Flow vs fishing** : Your simplistic approach to using a linear regression using correlations does not match your methodology in other publications on forecasting angling behavior over various water flows. Linear relationships are very rare in most behavioral studies involving fickle human beings; this is no exception.

We visually looked at the data (scatter plot) during the Highlands meeting and it was clear that up to the 1400cfs water level fishing at Burrells Ford remained highly correlated to actual days of these higher flows. Truncate the data after 1400cfs and rerun your regression, you will find very different results; this will prove the relationship is not similar below 1,400cfs.

Send me the data I will gladly perform the goodness of fit test and send it to the USFS for publication into the EA.

Additionally, you state that the only explanation to data variations is a "seasonal variable" yet you did not consider another explanation repeated by the angler community since the onset of this study. The increase in Chattooga use may be the result of anglers displacement from the nearby boatable creeks during these higher water levels. Displacement has been the primary concern by the angling community yet it was never considered or analyzed during data collection. The DNR data appears to support anglers claim yet it was never explored during this expensive public-funded analysis.

Response to Doug Whitaker Email June 26 2007 Mike Bamford

In addition the “consideration of recreational opportunities in the geographical area” was written into the USFS Appeal Decision that ordered this capacity study. A review of angler displacement from nearby streams should have been considered especially since the Chattooga remains the only boat-free stream available to anglers during higher-water times.

6) In point six you almost had complete logical flow and my agreement until your last sentence. *“The issue we were addressing is whether higher flows (particularly those in an optimal boating range) are optimal for fly or spin fishing and the expert panelists evaluations suggest they are not”*

I’m not sure what “issue” is being addressed and why you chose to forgo the initial objective and pursue “optimal fishing ranges” as a predictor of use behavior. Since the use data shows optimal fishing ranges shows no altering of behavior over the entire “acceptable fishing range” the “issue” you are addressing is irrelevant in this Visitor Capacity study.

Again, “optimal conditions” do not forecast angler use behavior, the stated study objective.

**7 & 8) Most of what is written above addresses your notation in point 7 and 8 and I do not wish to be more redundant. But there are two final points.**

You wrote, *“those days [less optimal fishing] do not have as high a value to wading-based anglers as days with better fishability conditions (the low flow overlap range).”* Since flow levels do not exclusively drive angling behavior and you did not collect all the other factors, your statement is highly speculative and not based on any facts.

Page 17 of the 2006 *Implementation Plan* stated *“ Flow ranges for activities in other rivers usually depend on site-specific characteristics and objectives for those activities”*. Without site-specific data (the expert anglers averaged fishability over the entire boating segment) or objectives for fishing, your judgment on the “experience value” for an angling visitor is inappropriate and provisional.

As I have stated Jackson-Macon Counties is a vacationing area with time-shares and scheduled visits planned long before predictable flow levels. To those visitors, the one-week of “higher flows” may be their only opportunity to fish the North Fork and during those higherflows the North Fork may remain (if boating remains limited) the only boat-free creek in the area. The “value” to those visitors is not measured or put into perspective when reviewing overall use on all other creeks in the geographical area. It should.

Finally, Your statement that your “guesstimates” are “precise enough” to generate alternatives for NEPA is the primary concern and reason for my long correspondence. Inaccurate data is not “good enough” when the scheduled collaborative workshop is expected to drive alternative for NEPA based on the data collection phase. “Garbage-in” will net “Garbage-out” if your uncorroborated “guesstimates” on angling use is utilized during the collaborative workshop to establish a collectively agreed upon alternative. Unless the USFS corrects the angling data to more accurately represent the reality of actual use based on the historical use data, the collaborative exercise will be a waste of time for the attendees, the USFS and the taxpayer’s reluctant support of this escalating analysis.

Thank you for your time.

Mike

Response to Doug Whitaker Email June 26 2007 Mike Bamford

-----Original Message-----

**From:** Doug Whittaker [mailto:dougwhit@alaska.net]

**Sent:** Monday, June 25, 2007 3:37 PM

**To:** mike@tupelotoys.com

**Cc:** mbamford123@comcast.net; 'John C Cleeves'

**Subject:** RE: Angling times.

Mike:

I thought we'd see you again at the third meeting and I could try one more time to discuss the angling times issue. I'm not sure we are likely to agree on what the flow vs use relationship shows but here are a few of the major points we think about, and why we think it supports a different conclusion than the one you seem to be asserting....

1. None of the use data we have (DNR frontcountry creel data, DNR backcountry data, your guest register data, Doug Adams' logs, DNR dairy data) is particularly well designed for answering the question "does flow affect use?," let alone "which flows provide optimal fishability?". To be effective, data would need to cover multiple years, multiple locations, and link to specific flows for a gage in the reach -- and even then conclusions would be correlation-based (which doesn't prove causation). We prefer to use direct evaluations of flows when available (which is what the expert panels were about), and to focus on the second question rather than the first (although both are sometimes useful to know, and we understand that you are focused on the first).

2. All of the use data sets have some problems. For example, while the frontcountry creel data is the most representative across a single year, but it occurred during a wet spring and dry summer, so we didn't get variation in flows in each of those seasons. You would need that variation to effectively examine differences related to flows that wasn't influenced by season. The regression I ran showed that season had a much larger effect than flow, which is the fundamental problem with the "historical use method" -- other variables may influence use too. I think you and I agreed on that when we discussed this....

3. As a second example, your guest register data is good because it covers many years, but has problems because it may not be a census of use (you note that it doesn't cover time periods when the clubhouse is closed; it may not

represent every instance of when anglers fished), it is coded as a dichotomous variable (fishing, yes or no, not #s of anglers or whether it was higher or lower quality), and the flow variable is problematic (flow is from a gage 40 miles away and hydrology work suggests some higher flows only occur for a few hours in the headwaters). It also doesn't distinguish fly vs. spin vs bait angling. For these reasons, we are not willing to go as far as you are on what these data show -- but we certainly acknowledged that some fishing use occurs at higher flows

(a useful conclusion with which you apparently agree).

4. We didn't take a long look at the 1987 backcountry data -- its 20 years old, and even in the Sumter Plan analysis (which was coarse at best), differences between use at high and low flows based on the Appendix H criteria were small (I think 1.7 vs 1.8).

The striking conclusion from that data is that there are very few backcountry anglers at any flow -- but we are not sure that is as true today.

5. In our various publications on fishability vs. flow, we assert that **flows vs. fishability quality** is likely to have an inverted U relationship. We do not claim that **use vs. flow** will necessarily follow; in fact we assert that **use vs. flow** is unlikely to shed much light on **use vs. quality** (because other variables also influence use). I only went looking for a use-flow relationship in the DNR frontcountry data because you (and others) highlighted the Sumter Plan Appendix H analysis and asserted that it showed higher use at higher flows -- thus implying that fishability conditions were better in higher flows, a conclusion we don't think is supported by the literature, the expert panels, or even the use data from DNR. In looking at the latter relationship, I looked at the Appendix H analysis, the scatter plot, ran bivariate correlations for specific locations, and then tried to develop linear regression models to fit the data. They only explained any appreciable variance (I think 22%) for Burrells Ford when I included a seasonal variable (spring vs. not spring), which I then tried to understand by looking at the that year's hydrology. In any case, taken together, I became satisfied that the Appendix H analysis was simplistic, actually supported the usual theorized relationship (higher flows will tend to be correlated with lower use), but that we didn't have the variation in flows to develop a flow-based use "cut-off" or a "flow-reduction factor" in any case. I don't think trying to fit something other than a linear model is likely to help further explain this data set (it still will leave a large proportion of the variance in use unexplained -- just look at the scatter).

6. Our expert panel concludes that fishability conditions are likely to be less optimal and eventually unacceptable at higher flows, with the ranges differing by type of tackle/technique. But we are not concluding that use levels will necessarily follow from fishability conditions and have not asserted that no one will fish higher flows. The DNR data show that if only higher flows are available in a certain year, some people will fish them -- at least within a quarter mile of BF and Highway 28. What the expert panels show is that the availability of places

where fishing is good declines at those higher flows (in particular, the higher gradient segments will be hard to wade, which doesn't really apply to the segments right at BF or Highway 28). As we have written in several articles, certain "angler habitats" (e.g., pools and runs) are often fishable at high flows, especially if one is using spinners or bait, but the type of fishing changes at the lower vs. higher flows. The issue we were addressing is whether higher flows (particularly those in an optimal boating range) are optimal for fly or spin fishing and the expert panelists evaluations suggest they are not.

7. The report is clear that the precision of flow ranges for both boaters and anglers could be improved with additional evaluations of flows. As you assuredly know, our original suggestion was to have boaters and anglers conduct several evaluations over this past winter, but several factors (including stakeholder opposition) worked against this and in the end we have to rely on what was able to be conducted. If we had to use these data to decide how much flow to release from a dam, we might advocate for additional evaluations at both higher and lower flows to improve precision (or an adaptive management strategy that would allow future monitoring to adjust flows later). This is particularly true for improving the precision of boating flow estimates, which rely more on the flows evaluated in January (because evaluations from pre-1976 or "poached" runs are less useful). For the anglers, however, precision is better because most anglers were evaluating flows over a longer history of use for a gage that they have been calibrated to for a long time. For that group, we were not conducting just a single flow reconnaissance, but capturing flow comparison information as well. As stated in the report, one always prefers more precise information compared to less, but we believe we have sufficient data to identify the boundaries between optimal and acceptable fishability for fly anglers (especially as this appears to occur close the 350 cfs at BF that we evaluated during the expert panels), which is a major issue since many fly anglers have identified a sensitivity to boating encounters/interference impacts. Similarly, we feel confident that these flow ranges are precise enough to identify concepts like the two overlap ranges discussed in the report, which we think is a major improvement over the single overlap notion in some stakeholder debate. As discussed in the report, thinking about two overlap ranges may be helpful for developing one (of potentially several) management alternatives during the NEPA process. It will be up to the FS and stakeholders to work out the details of those alternatives, but we think our information can help you all with those efforts.

8. As NEPA alternatives are analysed, we think it is also possible to estimate some rough boating and angling use levels that consider flow as a variable, but would urge caution when doing so. Without more data from multiple years over multiple flows, everyone has to make some "guesstimates." However, we don't think there is any reason to believe fishing use would be **higher** during the "high overlap range" described in the report (which you and Appendix H might suggest), even as we recognize use probably wouldn't be near zero either (as some boaters have asserted in stakeholder debate). We do think fewer wading-based anglers (fly and spin) will use that range because the fishability is lower

quality, but for the purposes of estimating encounters we would probably recommend (if asked) use of the monthly estimates from the workshop (as tempered by spot count data). This data does use flow to make estimates. To summarize, we don't think fishing use will drop to zero in the "high overlap" range identified in the report, but we do think it would probably be low. More importantly, our conclusion is that fishability conditions will be sub-optimal and will continue to diminish through that range (although we are careful to note the bait angling exception), so those days do not have as high a value to wading-based anglers as days with better fishability conditions (the low flow overlap range). Our point is that in the "low overlap range," potential for conflict is higher. We'll stand by that conclusion.

Hope that helps, and good luck with the remainder of the planning process.

Doug

**"Doug Whittaker" <dougwhit@alaska.net>  
06/25/2007 12:55 PM**

Doug:

I appreciate the comments on the Wilderness Act. Your comment on the fact that the Act says "opportunities for solitude or primitive unconfined recreation" (rather than "and") was also mentioned by Mike Bamford on the first night (and in a post-meeting email). This is an interesting point and I have never heard of this being at issue before -- the widespread notion within wilderness management circles is that managers try to provide both (not one or the other), and there are many papers and book chapters that discuss the tensions between managing for low densities or primitive conditions with as few regulations or as small a "manageral footprint" as possible (which is why I also cited the FS manual when further discussing this interpretation).

If memory serves, the development of the LAC approach (focusing on "how much impact is too much" instead of just "how much use is too much") was a major step in wilderness management practice, and it was designed precisely to avoid direct and "heavy-handed" regulations like use limits to address this interpretation. This is a primary legacy of the Montana group that developed LAC (Bob Lucas, George Stankey, Steve McCool, Jerry Stokes and others) and their early applications like in the Bob Marshall wilderness (which had relatively few social impact issues, but lots of biophysical problems). Some of us that came from the carrying capacity tradition were not as happy with this shift, and we continue to debate it today (see dueling articles from Bob Manning and Glen Haas that is playing its way out in courts associated with the Merced River in Yosemite). However, most Wilderness areas do not use direct regulation to limit use and the focus tends to be on education and indirect methods whenever possible, which is what we were trying to convey in this discussion.

Note that I'm not claiming your interpretation is wrong, or that an argument can be made that any given Wilderness could be managed more for solitude than unconfined recreation because of the 'or.' But I don't agree that our report is trying to change the context of the clause by reporting what we believe to be the conventional wisdom: both opportunities for solitude and unconfined recreation are goals, but there is a tension between them. If we had quoted only the "unconfined recreation" goal, or claimed it has priority, I think you would be appropriately taking us to task (as you are doing with Kevin Colburn's selective quote). But I don't think we have done that. (Aside: in a way, Kevin Colburn may even agree with your "or" interpretation, but he might argue that the "unconfined recreation" goal is more important). Ultimately, I think claiming either goal as "more important" is a reach, and I don't think it's been the foundation of any specific Wilderness decision, let alone adjudicated in court. But perhaps it's time for someone to carry that forward and get a "read" on it from a court (or at least an explicit statement from an agency).

I also don't see any inherent problem in reconciling these larger goals of the Wilderness Act with your more specific quotes about Ellicott from Forest Plan that was designed to address them. That's what plans do -- make the larger legislative mandates more concrete and "implementable." Different wildernesses have different management, and some seem tilted more toward unconfined recreation rather than solitude (Mt Hood in Oregon is always a good example, where several hundred people a day use some summit routes), while others take a different approach (for example, I think the Alpine Lakes wilderness in Washington State has some zones where even day use is limited to protect solitude). Our point is that there is probably some "room" in this decision environment (at least as far as the Wilderness Act is concerned) to tilt slightly toward solitude or unconfined recreation -- but good management will pay attention to both and be transparent about eventual choices.

Hope that helps -- good luck working your way through this stuff...

Doug

**"mike bamford" <mbamford123@comcast.net>  
06/25/2007 01:55 PM**

Doug,

American Whitewater is the only other source misquoting the Wilderness act by using the "and" versus "or". It was no surprise to see documentation from your study also have the same misquote. If you would have reviewed the literature objectively and not relied on your friends at American Whitewater as a primary source, the issue may not be heading down the current tract toward litigation.

You said, "*But perhaps its time for someone to carry that forward and get a "read" on it from a court (or at least an explicit statement from an agency).*" From the case law it is clear that "the values for which an area is designated" weighs heavily in any review of management policy for wilderness litigation. The Ellicott Wilderness was designated to "protect the wilderness character" from overuse due to increased demands from a growing population, limiting access was the primary reason for designation. Simply put, the value of "solitude" is a designation value "unconfined recreation" is not. This may be a "reach" in your opinion but I'm sure it will not be with an objective jury. The USFS has already set policy limiting horses and decreasing access of its 30 year history of manging the Wilderness.

Allowing any boating would be a deviation from this long-standing policy within the Wilderness area, the agency should weigh in and voice a legal interpretation. Should all uses allowed under the WSR acts and Wilderness act be "allowed to the maximum extent"? That is a great question that has been asked by the snowmobile, bike and ORV clubs nationwide.

Mike

It is now very clear why AW recommended you three time for this study prior to your hire by the USFS.

**"Doug Whittaker" <dougwhit@alaska.net>  
06/25/2007 04:20 PM**

Mike:

I was trying to be responsive to concerns from you and Doug Adams and stand by my response, particularly in how agencies have historically tried to address both solitude and unconfined recreation goals in the Wilderness Act. I do think there are unresolved interpretation issues raised by your concerns (which is why I mentioned the possible need for adjudication), but I don't think it is likely to be resolved with email exchanges. I also completely reject the notion that we followed AW in our interpretation; if anything, AW was simply following the "conventional wisdom" as taught in wilderness management courses (which is what we were reporting).

Furthermore, I don't appreciate your insinuation that our report is influenced by "friends at AW." We have worked very hard to develop conclusions about the decision environment, opportunities, use, impacts, and other issues of concern in the Upper Chattooga that are independent of any stakeholder, even as we have tried to be responsive to information brought by a full range of stakeholders (including yourself). If a group recommended us, or the Forest Service chose us, I'd like to think it is because we have a proven track record of conducting good studies and documented expertise in the areas of

carrying capacity, flow needs for recreation, and river management that has helped many agencies and stakeholders develop good decisions on other rivers. You obviously feel otherwise, which is your prerogative, but we have very limited hours left to spend on this project and I'm not inclined to spend them responding to unfounded accusations.

As I've said before, I appreciate your passion for the river and your right to advocate for what you think should happen there. I'm less inclined to appreciate how you direct that passion into personal attacks.

Doug

**"mike bamford" <mbamford123@comcast.net>  
06/26/2007 02:32 AM**

Dear Doug,

As Doug has explained the "and" misquote from the Wilderness is used elsewhere and I do apologize for my assertion that it must have been from AW.

Mike Bamford.

-----Original Message-----

**From:** Doug and Eedee Adams [mailto:edadams1@alltel.net]

**Sent:** Monday, June 25, 2007 11:10 PM

**To:** mike@tupelotoys.com; Doug Whittaker

**Cc:** Becky Johnson; 'John C Cleeves'; Roberta Willis; Marisue Hilliard; Joe Gatins; Jerome Thomas; Deborah Caffin

**Subject:** Re: Wilderness Act - Integrated Report - Chattooga River

Mike,

I just go in from THE RIVER and read your E-mail to Doug Whittaker.

Mike, I believe you are wrong in your assertion. Yesterday Eedee and I visited the Joyce Kilmer - Slickrock Wilderness over in the Cheoah Ranger District (near Robbinsville, NC). The Joyce Kilmer Memorial entrance has a very nice and elaborate kiosk. I was standing there reading the explanation of a designated Wilderness and the quote from the Wilderness Act jumped out at me. It said "and" not "or a" as it should have! When I got home, I immediately Goggled the Act and confirmed it said "or a". I then pulled up the Integrated Report and read "and". So I read that entire **Guiding legislation or other agency mandates** Chapter of the report and composed my comments to Doug Whittaker as he asked us to do during last week's Open House meetings (I attached it to this E-mail so the people you copied know what this all about).

There is no way that AW had anything to do with the Joyce Kilmer Memorial kiosk. I believe Doug Whittaker was exactly right when he said "[the widespread notion within wilderness management circles is that managers try to provide both \(not one or the other\)](#)". Does this make it right? No, of course not. Should the wilderness managers

follow the letter of the Act? Yes, I believe they should. Their job is to apply the Act, not rewrite it.

In my opinion you jumped to the wrong conclusion and you owe Doug Whittaker an apology. Doug Adams

PS Today I checked the weather radar and chased a storm cell to THE RIVER. I timed it right. When I arrived at the Bull Pen Bridge I heard thunder. There were swimmers and hikers there (4 vehicles) but I was the only angler. About 20 minutes later it began to rain. I walked up about 10 minutes before I got in THE RIVER. I caught a wild brown on my first cast and continued to catch them until I quit at 8 PM. I saw and heard no one while I fished an undisturbed stretch of river for 2 1/2 hours. When I left, there were no other vehicles there. Today I had my envelope of solitude AND my recreation.

----- Original Message -----

**"Doug Whittaker" <dougwhit@alaska.net>  
06/26/2007 01:34 PM**

Mike:

Thanks for the apology on Wilderness Act matters -- I think we will have to agree on disagreeing about some interpretations, but I hope you recognize that we are representing our ideas based on our experience and understanding, not someone else's agenda.

On use matters:

I continue to disagree with your characterization of the utility of existing angling use data for estimating use-quality relationships (for reasons previously discussed). I think we also disagree about whether that information is useful for estimating use-flow relationships (or what those show), for reasons previously discussed. I appreciate your point that some people come to the area when vacation plans or other factors dictate, and if flows are high, this may not prevent them from fishing. I hope you appreciate that expert panel data (which includes flow comparison information that works well with the 76 gage during non-storm periods) shows that fishability quality will be lower at those flows (particularly for fly anglers or others who wade, which is why we care about fishing type). And for those anglers that do have a choice (local anglers), we would expect lower use at higher flows (although the decline is likely to be incremental, and may differ for different locations and types of fishing). With enough data through a wide range of flows (with other variables accounted for), we could answer this definitively. With enough data, one could even develop "flow reduction" factors when estimating use for different opportunities and seasons and locations. We just don't think the limitations from the frontcountry creel, the backcountry angler diaries, or your WCA data sets allow us to make such estimates.

We don't think we have ignored those data sets, and our report gives them what we consider the appropriate weight. You clearly disagree -- your prerogative. But I hope you recognize that we seem to agree with you that FS should use existing use data to estimate impacts in the NEPA analysis, and that the expert panel findings are not the

primary input for estimating demand (for boaters or anglers). If we're asked to help with that, we will recommend using frontcountry data to estimate front country angling use, and workshop + spot count data to estimate other types of use. That data does **not** consider flow as a factor (in my last email to you on this, there was a typo that left out that "not" -- apologies for that). We simply don't think we have sufficient information to apply a "flow reduction factor," especially for non-frontcountry angling use.

However, we would also recommend continued discussion of flow-quality relationships, which have implications for potential management alternatives (something you apparently don't buy). We continue to think managers and stakeholders should be considering how the quality of various opportunities changes under different conditions (with higher and lower flows, in different seasons, in different locations, with different use levels or types of uses) when making decisions about whether to zone or limit use to provide "outstandingly remarkable" recreation opportunities.

I continue to appreciate your interest in the river and zeal in pursuing information that supports your positions. I'm sure you'll continue to bring them to the attention of planners and other stakeholders, which will offer useful perspectives for everyone to consider.....

Unfortunately, I don't have the hours to engage in endless back and forth on these or other issues. As you know, our report is final, and so we don't expect to offer a revision based on comments. However, the FS has said it is interested in comments about the report, and will consider them in the NEPA process as alternatives are developed and analyzed.

Doug

**"f\_ellen" <f\_ellen@bellsouth.net>  
06/26/2007 01:57 PM**

Dear John Cleeves

I am a past member of Whiteside Cove Association in Jackson County, North Carolina. I have fished, hiked, picnicked and enjoyed the portion of the upper Chattooga River which runs through North Carolina

I cannot remember an occasion that the water level prevented me from enjoying fishing at some point along this non-navigable section of stream. If flow levels offer separate opportunities for boaters, then it is clear that this section of stream is not navigable since the stream is fishable up to the 99% [P(1)] water level.

We enjoy only a few weekends a year at the Chattooga and it would be devastating to have these opportunities spoiled by having to dodge kayakers while they attempt to paddle, or more correctly, portage their boats on the upper section of the Chattooga that is clearly non-navigable.

Thank you for including my comments into the Forest Service public record.

Edward A. Gibson  
Asheville, NC

**"kelly koon" <squirt.kel@gmail.com>  
06/26/2007 06:24 PM**

Dear Mr. John Cleeves

I am a family member of Whiteside Cove Association in Jackson County, North Carolina and have grown up enjoying the peace and solitude along the portion of the upper Chattooga River which runs through North Carolina. For over fourteen years, I have been hiking, swimming, fishing and picnicking this unspoiled stream.

I cannot remember an occasion that the water level prevented me from enjoying fishing or any other activity at some point along this non-navigable section of stream.

We enjoy only a few weekends a year at the Chattooga with my family and it would be devastating to have these outings ruined as kayakers might attempt to paddle this upper section of the Chattooga that is clearly non-navigable.

Thank you for including my comments into the Forest Service public record.

Kelly M. Koon  
177 Jones Cove Road  
Asheville, NC 28805

**"mike bamford" <mbamford123@comcast.net>  
06/27/2007 10:29 PM**

Managing the WSR resource to "provide a level of public safety" is required under WSR management guidelines and under the Federal land Policy & Management Act of 1976. Yet the Appeal decision states that safety should not be included in any decision regarding the Upper Chattooga.

The USFS should publicly clarify these conflicting parameters. Of concern to me is the safety of the other river visitors, swimmers, wading anglers ..etc, if boating were to be added to the Upper Chattooga.

**Safety References.**

1) The USFS is required to "regulate on-water use including providing a level of public safety, maintaining a desired recreating experience, and protecting biological and physical values." "Managing Designated Wild & Scenic rivers" pg37 Section 13(g).

2) Additionally, in determining capacity and establishing a management plan the USFS must consider "public health and safety." Wild and Scenic Rivers Guidelines Federal Register / Vol. 47, No. 173 / Sept. 7, 1982

3) "Management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. The Federal Land Policy and Management Act of 1976, Sec.101.[43 U.S.C.1701 note ] under 8(a)

There are many more "safety" related guidelines within the FS handbook. It is clearly the responsibility of the USFS to consider the safety of all users when setting management policy within a WSR corridor.

Thank you for including this within the Public Comments.

Mike

"mike bamford" <mbamford123@comcast.net>  
06/28/2007 12:12 AM

**this was also never included with the public comments. Please**



**add.** Creeking not a protected ORV.pdf

## **Creek-Boating is NOT one of the Chattooga's Protected Outstanding and Remarkable Values**

The outstanding and remarkable values (ORVs) for which the Chattooga was designated a Wild & Scenic River (WSR) do not include creekboating (kayaking or canoeing). There is no mention of creek-boating the North Fork , or upper West Fork, within the 1970 WSR proposal, the 1971 WSR study or the Senate Report 93-738. The study did discuss soft-inflatable "rubber rafts" for the North Fork only, but never mention any canoe, kayak or any other hard- shelled boat in relation to the Chattooga's North Fork. If Creeking is the same as rafting, or kayaking, then the two-thirds of the river already available for floating would appear adequate protection of that rafting ORV and reasonable balancing of use on the Chattooga river.

If Creeking is not rafting nor kayaking, as the AWA claims in their 2004 appeal to the Forest service,<sup>1</sup> then creekers are new users and not protected ORVs as claimed.

Below are page references from 1971 WSR Study, the 1970 WSR Proposal and the Senate Report used to Designate the Chattooga a Wild & Scenic River.

**I.** From the *Chattooga Proposal a Wild & Scenic River*. 1970 issued by the Department of Agriculture.

a) the "General description" on page 5 provides a sequential written depiction of the Chattooga moving downstream. These descriptions do not mention canoes, or any hard shell boat like kayaks, until discussing a section below Highway 28. It does mention "rubber rafting" with frequent and difficult portages.

b) On page 7 - 25 is a more comprehensive description of each sections of the Chattooga. Again, there is no mention of any Canoe or Kayak until page 11 when discussing Nicholson field.

c) The area between Norton mill creek and Nicholson Fields (river mile 48.4 – 32.5) is on page 9 of the WSR proposal. It states "this part of the river can be floated only in rubber rafts and many dangerous portions must be portaged."

<sup>1</sup> Pg 4, AW's 2004 appeal to the USFS

**II.** From *Wild & Scenic study report, Chattoga River*, 1971 published by the Dept of Agriculture

a) Pg 22 "sections of the river are ideal for floating canoes and rubber rafts" [implies not all of the river is suitable for floating canoes or rafts].

b) Pg 52-76 sequential describes all the sections of the Chattooga WSR from the source to Tugaloo lake. Neither Canoes or Kayaks are mentioned in describing uses for the North Fork.

**III.** *Senate Report 93-738*.

a) "This segment [North Fork] should only be negotiated in rafts with experienced guides and boatmen-even they must portage some of the more dangerous portions of this segment of the river." Pg 3008

b) "Because of the tough terrain in its upper reaches, the use of floating equipment is impractical and a

considerable effort must be made simply to hike into the area.”[re:West Fork] pg. 3010

c) "The upper end of both the Chattooga and its West Fork are accessible only by walking and the lower end of the main stem of the river is almost as inaccessible." Pg. 3009

Canoeing, or kayaking, the Chattooga headwaters could not possibly have been considered a reason for Wild & Scenic designation since they are not discussed in the designation literature. Therefore, they are not protected values. Recreational ORVs that are suggested for use in the headwaters are angling, hiking, nature viewing, rafting and relaxation. Under the WSR Act, the visitor experience for these protected ORVs can not be diminish by new uses like creek boating.

Creek boating is a new use resulting from technological advancements. Under NEPA, new uses from technological advancement require scrutiny for compliance with resource values.

Creeking must be evaluated as a new activity type and the USFS must prove inconclusively that there is no impairment to current users experience or the environment from this new activity.

M. Bamford January 21, 2007

**"Bill Gibson" <bill@regiona.org>**

**06/28/2007 04:44 PM**

John Cleeves,  
US Forest Service:

I cannot come to the public hearing on July 10<sup>th</sup> in Walhalla, SC.

Please register my opinion as **against** American Whitewater's petition to open (for boating) the currently restricted section of the upper Chattooga.

Leave this section of the Chattooga River free from boating.

Thank you,

Bill Gibson  
111 Jass Cliff Road  
Sylva, NC 28779

**Joseph Gatins <jgatins@alltel.net>  
06/29/2007 10:35 AM**

Friends of the Upper Chattooga  
2368 Pinnacle Drive  
Clayton, Georgia 30525

June 29, 2007

Supervisor Jerome Thomas  
Sumter National Forest  
USDA Forest Service  
ATTN: John Cleeves  
4391 Broad River Road  
Columbia, South Carolina 29212-3530

Dear John:

Friends of the Upper Chattooga individually and collectively closely have reviewed the details of the "Current and Future Management Standards" document handed out at the recent "open house" meetings held as part of the USDA Forest Service's Upper Chattooga River Visitor Use Capacity Analysis. I must tell you we are pleased to learn that the indicators, standards and possible management actions listed therein are "hypothetical examples only."

We trust the Forest Service is going to use the standards and management action workshop on July 14 to delve into the very real and pressing issues facing the Upper Chattooga, including all the issues identified at your November, 2005, public meeting, as well all the biophysical and social issues identified by Forest Service personnel since then. Just to make sure, we attach below a list of what we believe needs to be discussed and analyzed at the meeting.

As you know, Friends of the Upper Chattooga include many of the premier conservation and recreation groups in the three affected states: Georgia Wildlife Federation, Chattooga Conservancy, Georgia ForestWatch, North Carolina Wildlife Federation, South Carolina Wildlife Federation, Wilderness Watch, Jackson-Macon Conservation Alliance, the Georgia Council of Trout Unlimited, the South Carolina Council of Trout Unlimited, the North Carolina Council of Trout Unlimited, the Atlanta Fly Fishing Club, and the Whiteside Cove Association.

Our primary goal is to help protect the Chattooga's wild and scenic values, to educate the public about threats to these values and assist the Forest Service in arriving at a reasonable decision in connection with the visitor capacity use analysis that, above all, protects this river's outstandingly remarkable resources for future generations.

Please feel free to call if there are questions.

Sincerely,  
Joseph Gatins  
As a spokesman for Friends of the Upper Chattooga

CC: Various Forest Service officials. NRLI

Attachment: List of issues meriting discussion and analysis at the July 14 priority standards and management action workshop.

#### Biophysical issues

- Large Woody Debris on North Fork and tributaries
- Water quality
- Trail conditions (both system trails and user-created)
- Damage to trees and bank erosion
- Litter in the river and "on" the riverbeds (i.e. ugly plastic marks and heavy metal scrapings)
- Campsite conditions (both authorized and user-created)
- Campsites and user trails in Ellicott Rock Wilderness (especially above Burrell's Ford) are not "wilderness-compliant"
- Protection of Ellicott Rock Wilderness, generally
- Protection of PETS species (such as shortia, saxifrage, rock gnome lichens, mountain lions, spray zone flora, etc.)
- Wildlife protection and populations
- Disturbance of birds and breeding bird counts
- \*Invertebrates and other aquatic resources
- Fish populations and fish "spooking"
- Protecting fish habitat
- Acceptable and ideal water levels for birding, swimming, hiking, fishing
- Management of wild, scenic and recreational segments of Wild & Scenic Chattooga River
- Adaptive management generally. Sunsetting any new management proposals.

#### Social issues

- Forest Service law enforcement and visitor safety
- Access to river and banks

- Trail encounters and total encounters
- Size of groups
- Noise
- Litter at campsites
- Number of overnight campers
- Overall solitude (few, or no encounters, user conflicts)
- Use of tributaries by boaters
- Safety of swimmers
- Parking at trailheads and bridges
- Back-country fisheries experience and fishing disturbances
- Competition for “fishing water”
- “Place attachment” and visitor surveys
- The “Lower Chattooga” – increase in boating there is a connected action affecting the Upper Chattooga
- Adaptive management generally. Sunsetting any new management proposals.

**"Ryan Sherby" <ryan@regiona.org>  
06/29/2007 10:19 AM**

I cannot come to the public hearing on July 10<sup>th</sup> in Walhalla, SC.

I am in support of spreading the ban to include all human activities. As I feel singling out a particular user is unfair.  
Thanks for your attention.

Ryan Sherby  
RPO Planner  
Southwest Commission - Region A  
125 Bonnie Lane  
Sylva, NC 28779

**"Kevin Colburn" <kcolburn@amwhitewater.org>  
06/29/2007 05:02 PM**

John,

I thought i would share this from the 1971 USFS WSR Report. I just ran across it again.

Kevin Colburn

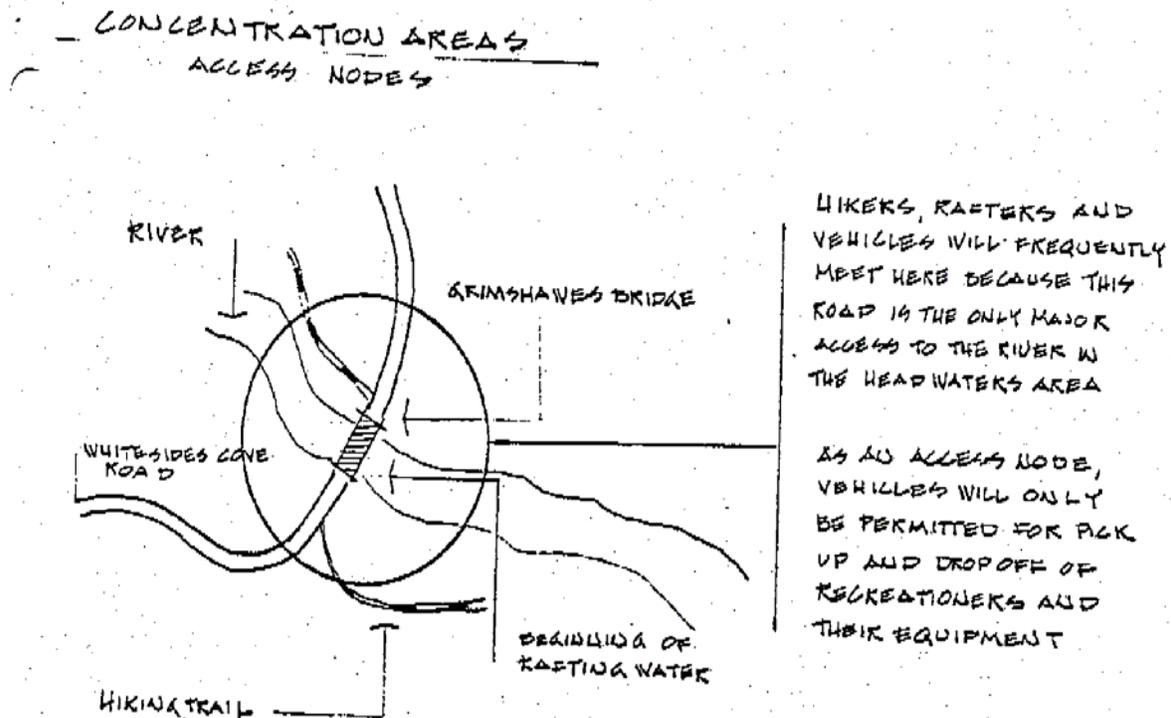
National Stewardship Director  
American Whitewater  
1035 Van Buren St

Missoula, MT 59802  
Phone: 406-543-1802  
Cell: 828-712-4825

Support AW! <http://www.americanwhitewater.org/content/Wiki/aw:shop/>



Grimshawes Map.doc



Adams July 2, 2007

#### CURRENT AND FUTURE MANAGEMENT STANDARDS on the UPPER CHATTOOGA RIVER

[http://www.fs.fed.us/r8/fms/forest/projects/Current%20Management%20Standards%20-%20Station%201\\_final.pdf](http://www.fs.fed.us/r8/fms/forest/projects/Current%20Management%20Standards%20-%20Station%201_final.pdf)

Here are some thoughts for consideration prior to the Indicator & Standards Workshop on 7/14:

- The visitors are going to be the people doing most of the monitoring of the indicators and reporting the findings to the Forest Service.
- The indicators need to be relatively easy to identify and quantify, keep it simple.
- The indicators should be assigned to 2 categories, biophysical & social.
- There does not need to be more than 6 or 8 indicators in each category
- The indicators need to represent the interests of all the stakeholder groups. [Comments made on Handout A, Recreation Opportunities and Desired Conditions](#)

- Some of the indicators should reflect items discussed in the [Integrated Report](#)
- The indicators need to reflect the findings of the [Biophysical Impacts](#) report
- We need to include the indicators from the Dec, 1, 2005 Forest Service Meeting [Comments made on Handout B, Indicators by Opportunities](#)
- The some of the stakeholder issues are described in NC State report [NRLI Report](#)

Here is a suggested DRAFT of a list of Indicators:

## Biophysical

1. Indicator: **River and Tributary aquatic habitat – LWD** (monitored by: USFS, anglers, wilderness advocates)
2. Indicator: **Water quality – Macroinvertebrates sampling:** Done 20 years ago & scheduled again in Oct 2007, needs standards (monitored by: USFS, GA WRD, SC DNR, NC DEM, anglers, swimmers, snorkeling)
3. Indicator: **Fish populations – Annual electro sampling and Angler’s Diary** (sampling ongoing for 20 years, needs standards) (monitored by: USFS, GA WRD, SC DNR, NC DEM, anglers)
4. Indicator: **Population density of wildlife** (monitored by: USFS, GA WRD, SC DNR, NC DEM, hunters, birders, wilderness advocate)
5. Indicator: **Breeding bird count** (monitored by: birders)
6. Indicator: **Campsite condition** (monitored by: River Ranger, day hikers, backpackers, wilderness advocates)
7. Indicator: **Trail condition & New user-created trails** (monitored by: Emergency Medical Care Personnel, River Ranger, wildflower viewing, day hikers, backpackers, anglers, birders, wilderness advocates)
8. Indicator: **Litter** (monitored by: day hikers, backpackers, wildflower viewing, anglers, birders, wilderness advocates)

## Social

1. Indicator: **Law Enforcement** – The North Fork needs more attention from Law enforcement due to the ever-increasing lawless activities (including vehicle break-ins, theft, drug problems, biophysical regulation violations, fish & game violations, boating / floating, commercial activities, etc.) (monitored by: LE, day hikers, backpackers, anglers, wilderness advocates, waterfall views, photography, nature study, wildlife viewing, wildflower viewing, plant identification)
2. Indicator: **Education** efforts with kiosk signage and River Ranger contacts are needed to encourage appropriate recreation behaviors that minimize impacts (i.e. “leave no trace” or low impact camping practices, encounter etiquette, dispersed use, bank trampling, appropriate distance from wildlife, etc). The North Fork needs another "River Ranger" like it had 25 years ago. (monitored by: River Ranger, day hikers, backpackers, anglers, wilderness advocates, waterfall views, photography, nature study, wildlife viewing, wildflower viewing, plant identification)
3. Indicator: **Semi-annual Visitor Survey** - 9 point Crowding Scale (Memorial day weekend & Christmas Break) (monitored by: USFS River Ranger or Clemson Univ.)
4. Indicator: **Fishing disturbances & Competition for fishing water** (number of times angler per day had to stop fishing because of an encounter) (monitored by: anglers with Angler’s Diary,)
5. Indicator: **Total encounters & Size of groups** (number of other groups seen per day, trail, river, camping, waterfalls, swimming, birding, etc; count repeats if out of sight for 15 minutes) (monitored by: day hikers, backpackers, anglers with Angler’s Diary, birders, wilderness advocates)
6. Indicator: **Noise** (from other groups camping, hiking, etc) (monitored by: day hikers, backpackers, anglers, birders, wilderness advocates)

7. Indicator: **PAOT at access points & vehicle counts** (count cards every 5<sup>th</sup> year for trends) (monitored by: LE, day hikers, backpackers, anglers, birders, wilderness advocates)

Assembled by Doug Adams (7/2/2007)